

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:06-cv-00147-W**

**JOHN G. HEINEMANN, individually, and )  
derivatively, as a shareholder of NEW )  
MILLENNIUM REALTY, INC., a North )  
Carolina corporation; HEINEMANN, INC., a )  
North Carolina corporation, and LEAD )  
GENERATION SYSTEMS, INC., a North )  
Carolina corporation, )**

**Plaintiff,**

**vs.**

**KRISTOFFER M. BOSCHELE; NATALIE )  
D. BOSCHELE; BOSCHELE, INC., a North )  
Carolina Corporation; YOUR NEW HOME )  
REALTY, INC., a North Carolina )  
corporation; YOUR HOME SUPERSTORE, )  
INC., a North Carolina corporation; GB )  
HOME BUILDERS AT CENTRAL PARK, )  
LLC, a North Carolina limited liability )  
company; GB HOME BUILDERS AT )  
HILTON MEADOWS, LLC, a North )  
Carolina limited liability company; GB )  
HOME BUILDERS AT HOOVER CIRCLE, )  
LLC, a North Carolina limited liability )  
company; GB HOME BUILDERS AT PLAZA )  
PARK, LLC, a North Carolina limited liability )  
company; GB HOME BUILDERS AT )  
WALNUT CREEK, LLC, a North Carolina )  
limited liability company; GB HOME )  
BUILDERS, LLC, a North Carolina limited )  
liability company; RANDY JORDAN; )  
LU'AYY NAJJAR; LUNAR RESOURCES, )  
INC., a North Carolina corporation; JAKE )  
EMMET; BRIAN KELLY; KEITH )  
KILLION; MELISSA McCAULY; and JOHN )  
DOES NOS. 1-10, )**

**Defendants.**

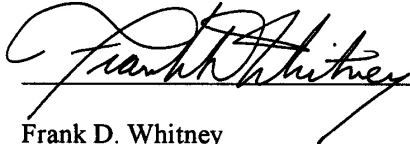
**ORDER**

THIS MATTER is before the Court on Defendant Keith Killion's Motion for Costs and Attorneys' Fees (Doc. No. 28), filed May 23, 2007. Defendant has failed to present any compelling reason why this is an "exceptional case" pursuant to 15 U.S.C. § 1117(a). Accordingly, Defendant's Motion is denied.

**IT IS, THEREFORE, ORDERED** that Defendant Keith Killion's Motion for Attorneys' Fees and Costs (Doc. No. 28) is DENIED..

**IT IS SO ORDERED.**

Signed: September 13, 2007

  
Frank D. Whitney  
United States District Judge

